

REMARKS/ARGUMENTS

Claims 1-11 were in the application. In the last office action, claim 11 was rejected under 35 U.S.C. § 112 for failing to point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner objected to the use of the word "short" as indefinite. Claim 11 has now been cancelled.

Claims 1-4 and 7-10 were rejected under 35 U.S.C. 103(a) as obvious over Purdy et al. in view of Rossi et al. Claims 5 and 6, which depend from claim 1, were rejected for obviousness over Purdy and Rossi in view of Woehr et al. The claims have been amended to distinguish from the cited art.

More specifically, the claims have been further limited to recite that the sprung flexible blade comprises a transverse branch which is at rest and traversed freely by the needle when the needle is pushed in the distal direction and which stops the needle and is bent by the needle when the needle is drawn in the proximal direction, so that the bent transverse branch inclines the needle and applies a return force to the needle. Support for this limitation is found in paragraphs [0039] - [0040] and [0053] - [0054].

In Purdy, the flexible blade has a transverse branch 59 that is applied against a proximal wall 64 of the cage. Thus, Purdy does not teach a transverse branch that is bent by the needle when the needle is drawn in the proximal direction, because the proximal transverse wall 64 does not permit it. Accordingly, Purdy does not

mention or otherwise disclose a bent transverse branch inclining the needle and applying a return force to the needle to force it back in the distal direction.

In Woehr, the sprung flexible blade 40 has a transverse branch 54 which stops the needle when the latter is drawn in the proximal direction. But Woehr does not teach that the transverse branch is bent by the needle when drawn in the proximal direction, and that the bent transverse branch then inclines the needle and applies a return force on it to urge it back in the distal direction.

Purdy, like Woehr, discloses a device wherein the lip 65 of the leaf spring 58 is urged against the shaft of the needle as the needle is pushed in the distal direction or is drawn in the proximal direction. When the needle is completely withdrawn, the leaf spring returns to its rest position, the branch comprising the lip coming in front of tip of the needle, thus preventing it from being pushed in the distal direction.

The invention, as now claimed, eliminates such a leaf spring and lip, and their shortcomings which include wear, sensation of friction, and a requirement for increased force when using the device on a patient.

Rossi does not teach a flexible blade having a transverse branch.

In view of the foregoing, it is respectfully submitted that independent claim 1, and claims 2-10 which depend from claim 1, are now patentable over the art of record and the application is now in

condition for allowance. Early and favorable action is earnestly solicited.

An unpaid fee required to keep this case alive may be charged to deposit account 06-0735.

Respectfully Submitted,

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